

DEPARTMENT OF REGIONAL PLANNING

Memorandum

August 15, 2011

TO: DRP STAFF

FROM: Richard J. Bruckner
Director



SUBJECT: **Subdivision and Zoning Ordinance Policy No. 01--2011
Certificate of Compliance Requirements**

In response to the needs of the Land Development Coordinating Center Section and Field Office Section staff, and in accordance with approval from County Counsel, the certificate of compliance requirements for structures and uses has been reorganized in a simplified and streamlined manner presented below. County Counsel and the Department have determined that the cited structures and uses constitute "development" pursuant to the State Subdivision Map Act. The list is applicable whether the new structures or uses require ministerial or discretionary review.

This listing is also consistent with the discretion granted by Section 66499.34 of the State Map Act, which reads in part as follows: "No local agency shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this division or of the provisions of local ordinances enacted pursuant to this division, *if* it finds that development of such real property is contrary to the public health or the public safety".

Therefore certificates of compliance should be required for the following structures and/or uses:

1. New primary structures on improved and unimproved parcels, except for involuntary rebuilds.
2. Residential additions or modifications that increase the density, including second units.
3. Non-residential additions or modifications that increase the parking requirements.

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4. New, or additions to, surface mining, landfills and other similar uses.

These reorganized and simplified requirements are essentially the same as previous requirements, except that even if a discretionary review and public hearing is required, permits that authorize no new structures and no need for additional parking will be exempted from the certificate of compliance requirement, i.e. CUP Renewals, Non-conforming Reviews and CUP's for alcohol sales will be newly exempt from the requirement.

These requirements are effective immediately.

RJB:SA:LE:lg

c: Alexanian
Gutwein
Sanabria